

**DOCKET NO.: ISIS-1169**  
**Application No.: 08/117,363**  
**Office Action Dated: December 29, 2003**

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

### **REMARKS/ARGUMENTS**

Claims 1-29 are pending. Claims 1-19 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-29 of copending application serial no. 08/464,953. Application serial no. 08/464,953 claims priority to the present application and therefore, will be referred to as the “child application.”

Applicants respectfully submit that the proposed rejection of claims 1-19 for alleged obviousness-type double patenting is not proper. As will be recognized, both the present application and the child application (pursuant to 35 U.S.C. § 154 (c)(1)) will be entitled to a patent term that is the greater of 20 years from the filing date of the earliest application to which priority is claimed or 17 years from issuance. The claims of the child application, however, are not yet in final form (*i.e.*, no indication of allowable subject matter has been received in the child application). Given these facts, Applicants submit that any obviousness-type double patenting issues are more appropriately addressed in the child application.

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Applicants respectfully submit that the present claims are in condition for allowance and earnestly solicit a Notice of Allowability. Should there be any questions, the undersigned invites the Examiner to contact her at the number below.

Date: February 18, 2004



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